

THE MANAGEMENT OF SEXUAL OFFENDERS BY THE MARYLAND DIVISION OF PAROLE AND PROBATION

Legislation passed during the 2006 Emergency Session of the Maryland General Assembly mandated, among other things, the use of collaborative containment teams for the management of sexual offenders under the supervision of the Maryland Division of Parole and Probation. This legislation also authorized the imposition of conditions allowing the use of offense-specific psychotherapy, polygraph examination, computer monitoring, and electronic tracking for these offenders.

Although problems were found to exist in portions of the legislation related to sentencing and jurisdiction for “extended sexual offender parole supervision” eligible offenders, these problems did not delay DPP’s move to implement new techniques to enhance its approach to reducing sexual offender recidivism.

Within months of the implementation of Chapter 4 of the Acts of the First Special Session of 2006, DPP had established specialized COM/ET (Collaborative Offender Management / Enforced Treatment) teams throughout Maryland. Training was provided to all agents assigned to these specialized caseloads during intensive two-day sessions at sites throughout the state. These sessions covered such subjects as sex offender laws and relevant agency policies, sexual abuse incidence and prevalence, typology, etiology, victimology, treatment domains and relapse prevention, collaborative team development and operation, interviewing protocols and management strategies. Training in the use of sex-offender specific risk assessment instruments was provided by psychologists from Patuxent Institution. These specially trained agents then configured COM/ET teams to include a variety of participants, including representatives from the judicial, law enforcement, treatment, polygraph, and victim advocacy communities. Offender-to-agent caseload ratios were reduced to 30-to-1, and work was underway to acquire newly available tools and develop the procedures necessary for their effective implementation.

As of January 2010, seventy-one dedicated COM/ET agents, along with twelve mixed containment (COM/ET and VPI) agents supervise approximately 2300 individuals designated by agency policy as sexual offenders. This population includes not only those individuals currently being supervised for sexual offenses, but also those under supervision for non-sexual offenses, most of whom are registered sexual offenders on the basis of past convictions.

The risk level of every sexual offender is determined through the use of the Static-99, a specialized risk assessment instrument, and offenders are reassessed at ninety-day intervals using the Acute-2000, another specialized instrument. All sexual offenders are initially supervised at the highest level – which includes weekly face-to-face contacts, daily telephone contact, mandatory risk-based treatment referrals, and at least monthly verification of residence, treatment, and supervision condition compliance, as well as compliance with Maryland Sexual Offender Registry requirements.

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Offenders are moved to lower supervision levels only on the basis of consistent successful compliance with all requirements and satisfactory risk assessment scores.

The management of sexual offenders now includes the use of technology to augment other proven supervision strategies. Included in this approach are:

- **Clinical polygraph examination** - a highly effective tool for exploring the type and severity of offender's abusive behavior patterns and for investigating compliance with treatment and supervision conditions. Polygraph testing can also be useful in determining the need for changes in levels of supervision and treatment, and can improve treatment outcomes by shortening the denial phase. Polygraph testing can increase the accountability of sexual offenders for past behaviors as well as those which may occur while under supervision; ensuring compliance with supervision and treatment requirements and serving as an additional deterrent to re-offending. Polygraph testing also assists ongoing monitoring efforts through the early identification of supervision rule violations and criminal behavior. All sexual offenders released on parole or mandatory release supervision are required to undergo an initial polygraph test within thirty days of release and at least two subsequent examinations at six month intervals.
- **Computer monitoring** - involving the installation on an offender's computer of software designed to provide an agent with access to the contents of the computer as well as the ability to monitor and record all of the activity conducted on that computer. It can be programmed to restrict access to particular activities (such as chat rooms and file sharing programs) or designated web sites (including social networking sites), or to block Internet access altogether. It is used to help inform COM/ET agents about the deviant interest and arousal patterns of offenders, and for controlling access to potential victims through Internet communication. As a result, such monitoring can be useful in preventing victimization, in more accurately assessing risk level, and for determining the need for changes in levels of supervision, treatment and Internet access, or the initiation of violation proceedings. Agency policy requires computer monitoring for any sexual offender released from the Division of Correction who is required to register with the Maryland Sexual Offender Registry as a Child Sexual Offender. In addition, computer monitoring is used for any sexual offender whose criminal history includes an offense involving child pornography, or behavior in which access to the victim was accomplished through the use of the internet. Sexual offenders with special conditions mandating computer monitoring who deny having access to a computer are referred for periodic polygraph examination to confirm their compliance with the imposed restrictions.
- **Electronic tracking** - specifically Global Positioning System (GPS) tracking, as a means of monitoring an offender's whereabouts on a continuous (twenty-four hours per day, seven days per week) basis. The passive

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system used by the Division of Parole and Probation records an offender's location throughout the day and, through a daily download of accumulated data, provides details regarding the offender's location and movement at regular time intervals (a minimum of every ten minutes). The system provides agents with the ability to establish, modify, and monitor curfews for offenders. It also enables them to set geographic exclusion and inclusion zones unique to each specific offender and his or her criminal behavior patterns, and generates alerts when a sexual offender violates the rules established by the agent. Current agency policy requires a minimum of ninety days of GPS tracking for any sexual offender upon release from the Division of Correction. Tracking can be extended for as long as deemed appropriate.

SEX OFFENDER INTAKES, CLOSINGS, AND SEX OFFENSE ARRESTS: JULY 2008 THROUGH DECEMBER 2009

2008-2009	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
CASES OPENED	125	116	136	117	107	120	118	113	119	116	128	98	138	112	143	102	99	95
CASES CLOSED	121	112	106	126	123	136	114	132	125	132	119	125	123	112	122	110	109	74
SATISFACTORY CLOSING	83%	79%	75%	82%	72%	72%	83%	77%	81%	70%	77%	79%	76%	80%	78%	74%	78%	80%
TECHNICAL REVOCATION	10%	14%	8%	10%	15%	17%	7%	9%	10%	17%	15%	8%	15%	14%	16%	15%	9%	14%
NEW OFFENSE REVOCATION	7%	7%	17%	8%	13%	11%	10%	14%	9%	13%	8%	13%	9%	6%	6%	11%	13%	6%
NEW ARRESTS FOR SEX OFFENSES	4	5	4	2	7	2	3	3	3	2	5	5	3	3	2	0	4	2

During the eighteen months from July 2008 through December 2009, between 83% and 94% of sex offender cases closed each month were closed either in satisfactory status or by revocation in response to a technical violation. Whether these individuals chose not to engage in further unlawful behavior, or a DPP agent intervened to possibly prevent such behavior, none of these cases were terminated on the basis of a subsequent offense committed while under supervision.

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Of those who did incur subsequent arrests during this period, less than *one-third of one percent* of the sex offenders under active supervision were charged with subsequent *sexual* offenses.

In addition, the number of arrests for sexual offenses declined from 24 during the initial six-month period, to 21 during the second six-month period, to 14 (7 of which were misdemeanor offenses) during the six-month period ending December 2009.